

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

LINDA ROLLINS	*	CIVIL ACTION NO. 08-0387
VERSUS	*	JUDGE JAMES
ST. JUDE MEDICAL, ET AL.	*	MAGISTRATE JUDGE HAYES

ORDER

Before the court is plaintiff, Linda Rollins' motion for leave to serve additional interrogatories and to serve interrogatories prior to the Rule 26(f) conference. [doc. # 8].¹ For reasons assigned below, the motion [doc. # 8] is DENIED.

Plaintiff seeks to serve interrogatories prior to the Rule 26(f) conference so that she can determine whether to proceed before a Medical Review Panel or to prosecute the instant products liability action. Plaintiff argues that the interrogatories may save defendants the cost of lengthy motion practice and trial. However, there is no reason why discovery cannot be completed after the Rule 26(f) conference, but before motion practice begins. Moreover, if defendants agree that early discovery is beneficial, then the parties may so provide, via stipulation. Fed.R.Civ.P. 26(d)(1).

Plaintiff also seeks leave of court to serve additional interrogatories. However, since

¹ As this motion is not excepted within 28 U.S.C. § 636(b)(1)(A), nor dispositive of any claim on the merits within the meaning of Rule 72 of the Federal Rules of Civil Procedure, this order is issued under the authority thereof, and in accordance with the standing order of this court. Any appeal must be made to the district judge in accordance with Rule 72(a) and L.R. 74.1(W).

discovery is premature at this stage, it is likewise too early to exceed the interrogatory limit.

Plaintiff may re-urge her motion to serve additional interrogatories once discovery commences in earnest after the Rule 26(f) conference.²

IT IS SO ORDERED.

THUS DONE AND SIGNED at Monroe, Louisiana, this 9th day of April, 2008.

A handwritten signature in black ink, appearing to read "Karen L. Hayes", is written over a horizontal line.

KAREN L. HAYES
U. S. MAGISTRATE JUDGE

² The parties should indicate in their Rule 26 report whether there is agreement that excess interrogatories will be needed.